

JASON M. FRIERSON
United States Attorney
Nevada Bar No. 7709
STEVEN J. ROSE
Assistant United States Attorney
Nevada Bar No. 13575
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336
Steven.Rose@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

BRYAN WESLEY ANDERSON,

Defendant.

2:24-cr-0052-GMN-DJA

**Stipulation and Order to Continue
Hearing and Future Dates**

(First Request)

The parties, by and through the undersigned, respectfully request that the Court vacate any currently set dates and continue the hearing regarding change of plea to a date and time convenient to this Court but no sooner than 90 days. In support of this request, the parties state the following:

1. On May 9, 2023, Brian Anderson (Defendant) was charged in an Indictment with Possession of a Controlled Substance with Intent to Sell in violation of 21 U.S.C. § 841(a)(1) in the District of Utah in case 4:23-cr-0040 (case 23cr40).

2. On November 7, 2023, Defendant was charged in Nevada in an Indictment

1 with Conspiracy to Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1),
2 (b)(1)(A)(viii), and 846; and Possession with Intent to Distribute a Controlled Substance in
3 violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) in case 2:23-cr-212-GMN-NJK (case
4 23cr212).

5 3. Following Defendant's indictment in case 23cr212, discussions took place
6 about resolving those two cases, 23cr40 and 23cr212, with a joint resolution.

7 4. On February 16, 2024, a Consent to Transfer Jurisdiction transferring
8 defendant's case to the District of Nevada was filed in case 23cr40.

9 5. On February 16, 2024, the Commitment to Another District was signed in
10 case 23cr40. That case was designated 2:24-cr-052-GMN-DJA (the instant case).

11 6. Inadvertently, an initial appearance was not set in 23cr212, and defendant has
12 not been arraigned in that case.

13 7. The parties continue to discuss a joint resolution of the cases.

14 8. More time is needed to arraign defendant on 23cr212, review all discovery,
15 and pursue a joint resolution.

16 9. Defendant is in custody and consents to the continuance.

17 10. Denial of this request could result in a miscarriage of justice. This
18 continuance will allow counsel for Defendant to continue investigation, review of discovery,
19 development of defense strategies, and discussion of resolutions. The additional time
20 requested by this stipulation is excludable in computing the time within which the trial
21 herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161 (h)(7) and
22
23
24

(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and (vi).

Respectfully submitted this 15th day of April, 2024.

JASON M. FRIERSON
United States Attorney

/s/ Steven J. Rose
STEVEN J. ROSE
Assistant United States Attorney

/s/ Russ Marsh
RUSS MARSH
Counsel Notified he would be appointed
to Defendant,
BRYAN WAYNE ANDERSON

JASON M. FRIERSON
United States Attorney
Nevada Bar No. 7709
STEVEN J. ROSE
Assistant United States Attorney
Nevada Bar No. 13575
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

BRYAN WAYNE ANDERSON,

Defendant.

2:24-cr-0052-GMN-DJA

**Order Approving Stipulation to
Continue Hearing and Future Dates
(First Request)**

Based on the pending stipulation of the parties, and upon the Court's finding of good cause, IT IS HEREBY ORDERED:

FINDINGS OF FACT

1. The parties agree to the continuance.
2. The defendant is in custody and does not object to the continuance.
3. The additional time requested herein is not sought for purposes of delay, but to facilitate defendant's arraignment on a related case, review of discovery, and ongoing discussions between counsel.
4. Additionally, denial of this request for a continuance could result in a miscarriage of justice. The requested by this Stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
2 U.S.C. §§ 3161 (h)(7), and 3161(h)(7)(A), considering the factors under 18 U.S.C.
3 §§ 3161(h)(7)(B)(i) and (vi).

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interests of
6 the public and the defendant, since the failure to grant said continuance would be likely to
7 result in a miscarriage of justice, would deny the parties herein sufficient opportunity to
8 potentially resolve the cases prior to trial, and further would deny the parties sufficient time
9 and the opportunity within which to be able to effectively and thoroughly prepare for the trial,
10 taking into account the exercise of due diligence.

11 The time from the continuance sought herein is excludable under the Speedy Trial
12 Act, 18 U.S.C. §§ 3161(h)(7), and 3161(h)(7)(A), when considering the factors under 18
13 U.S.C. §§ 3161(h)(7)(B)(i) and (iv).

14 **ORDER**

15 IT IS HEREBY ORDERED that the Change of Plea hearing is scheduled for July 17,
16 2024, at the hour of 10:00 a.m. in Courtroom 7D.

17 DATED this 16 day of April, 2024.

18 
19 _____
20 HONORABLE GLORIA M. NAVARRO
21 UNITED STATES DISTRICT JUDGE
22
23
24